

DECLARATION of the COUNCIL

Constituted by the Indian and African Company of Scotland; for the Government and Direction of their Colonies, and Settlements in the Indies. 72

THE said Company pursuant to the Powers and Immunities Granted unto them, by His Majesty of Great Britain, our Sovereign Lord, with Advice and Consent of His Parliament of Scotland: having Granted and Conceded unto us and our Successors in the Government for all times hereafter, full Power to equip, set out, freight, and navigate, our own or hired Ships, in War-like, or other manner, from any ports or places in Amity, or not in Hostility with Majesty; to any Lands, Islands, Countries, or places in *Asia*, *Africa* or *America*: and there plant Colonies, build Cities, Towns or Forts in or upon the Places not Inhabited, or in or upon other place by consent of the Natives or Inhabitants thereof, and not possess by any European Sovereign, Potentate, Prince, or State; and to provide and furnish the aforesaid Places, Cities, Towns, Forts, with Magazines, Ordnance, Arms, Weapons, Ammunition and Stores of War; and by force to defend the same Trade, Navigation, Colonies, Cities, Towns, Forts, Plantations, and Effects whatsoever; and likewise to make Reprizals, and to seek and take reparation of Damage by Sea or by Land: and to make and conclude Treaties of Peace, and Commerce with the Sovereign Princes, Estates, Rulers, Governours, or Proprietors of the aforesaid Lands, Islands, Countries, and places in *Asia*, *Africa* or *America*.

And reserving to themselves Five *Per Cent.* or one Twentieth part: of the Lands, Mines, Minerals, and Stones of Value, precious Woods, and Fishings: have further Conceded and Granted unto us, the full and absolute right and property in and to all such Lands, Islands, Colonies, Cities, Towns, and Plantations, as we shall come to, establish, or possess in manner aforesaid; as also to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals and Fishings, with the whole product and thereof, as well Under as above the Ground, as well in Rivers and Seas, as in the Lands unto belonging; or for or by reason of the same in any sort; together with the right of Government and Admiralty thereof; as likewise that all manner of Persons who shall settle to inhabit, or be in any such Plantations, Colonies, Cities, Towns, Factories, or places shall be, and be reputed Natives of the Kingdom of Scotland; and generally the said Company have Communicated unto us the right to all the Powers, Properties and Privileges Granted unto them by Act of Parliament; otherwise howsoever, with Power to Grant and delegate the same; and to permit and allow such Trade, Commerce, and Navigation unto the Plantations, Colonies, Cities, Towns, and places in possession, as we shall judge fit and convenient.

The Chief Captains and Supreme Leaders of the People of *Darien*, in compliance with former promises, having now in most kind and obliging manner, received us into their Friendship and Unity, with Promise and Contract to assist and join in defence thereof against such as shall be their Enemies in any time to come. Which, besides its being one of the most Healthful, Rich, and fertile Countries upon Earth, hath the advantage of being a Narrow ISTHMUS, Seated in the middle of the World, between the two vast Oceans, which renders it more convenient than any other for being the common Store-house of the Insearchable and Immense Treasures of the Spacious South Sea, the door of Commerce to *China* and *Japan*, and the Emporium and Staple for the Trade of the Indies.

Now by Vertue of the before-mentioned Powers to us given, We do here Settle, and in the Name of GOD Establish Our Selves, and in Honour, and for the Memory of that most Ancient and renowned Name of our Mother Kingdom, We do, and will from henceforward call this Country by the Name of *Caledonia*: and our selves, Successors, and Associates, by the Name of *Caledonians*.

And suitable to the Weight and Greatness of the Trust reposed, and the valuable Opportunity now in our hands; being firmly resolved to communicate and dispose thereof in the most just and equal manner for Increasing the Dominions and Subjects of the King Our Sovereign Lord, the Honour and Welfare of our Country, as well as the benefit and advantage of those who now are, or may hereafter be concerned with us: We do hereby Publish and Declare, That all manner of Persons of what Nation or People soever, shall from hence-forward be equally free and alike capable of the said Properties, Privileges, Protections, Immunities, and Rights of Government Granted unto us; and the Merchants, and Merchants Ships of all Nations; may freely come to, and Trade with us; without being liable in their Goods or Effects, to any manner of Capture, Confiscation, Seizure, Forfeiture, Attachment, Restraint or Prohibition, for or by reason of any Embargo, breach of the Peace, Letters of Mark, Reprizals, Declaration of War with any Forraign Prince, Potentate or State; or upon any other pretence whatsoever.

We do hereby not only Grant, and Concede, and Declare a general and equal freedom of Government and Trade to those of all Nations, who shall hereafter be of, or concerned with us; but also a full Liberty of Conscience in matter of Religion, so as the same be not understood, to allow, countenance, or indulge the Blaspheming of Gods Holy Name, or any of his Divine Attributes; or of the profaning or Prophaning the Sabbath-Day.

And finally, as the best and surest means to render any Government successfull, durable and happy; it being by the help of Almighty God) be ever our constant and chiefest care; that all our further Constitutions, Laws and Ordinances, be consonant and agreeable to the Holy Scripture, Right Reason, and the Principles of the wisest and justest Nations; that from the Truth and Righteousness thereof we may have hope for, and expect the Blessings of Prosperity and Increase.

Glasgow, December 28. 1699.

By Order of the Council,
HUGH ROSS Secretary